

City of Dearborn
Zoning Board of Appeals
Wednesday, March 28, 2007
Minutes

Called to Order: 5:30 p.m.

Commissioners Present: Daniel Stanley (Chairperson), Mark Alfonsi, Kenneth Gusfa, Gary Jefferson, Nancy Siwik.

Technical Advisors: Robert DeBerardino, Deputy Director of Building & Safety; John Tanner, Corporation Counsel; David Norwood, Director of Building & Safety.

Approval of Minutes. Motion by Commissioner Gusfa, supported by Commissioner Jefferson that the minutes of the previous regular meeting of Thursday, February 22, 2007 are approved as amended. Motion carried unanimously.

Appeal #07-113

From Mr. Frank Zychowski, 35980 Woodward Avenue, Suite 300, Bloomfield Hills, MI requesting to construct a 1023.72 square foot, 3-car garage and storage shed addition to an existing attached, two car garage. The property size being 98' x 193', in a One-Family Residential (RA) zoning district at:

434 S. Silvery Lane

Dr. Ken Rahamut of 434 S. Silvery Lane, Dearborn, MI and Mr. Brad Balkwill from AZD Associates Architects were introduced.

Mr. DeBerardino read the Building & Safety staff report for 434 S. Silvery Lane, dated March 20, 2007, into the record. The staff report recommends denying this appeal.

Chairperson Stanley was informed that the petitioner would have received a permit for the bedroom and dining room addition without the garage expansion. Mr. Norwood explained that a brand new home, with a 35 foot lot requires a 2-car garage.

Chairperson Gusfa read the compatibility review report of J. Michael Kirk (architect/consultant for the City of Dearborn), dated February 9, 2007, into the record. The report states that the 4-car garage expansion is not in scale with the proposed home expansion nor the character of the surrounding neighborhood. A renovation and expansion of the existing 2-car garage into a single 3-car garage ranch style would be an appropriate addition to this home within the context of its neighborhood. The proposed rear garage door may also be problematic in the storage of vehicles in the back yard which could affect the ambiance of neighbor's views.

Dr. Rahamut reported that the nature of his practical difficulty is not being able to protect his daughter and mother-in-law's cars in the off-street parking spaces and also not having adequate storage for his classic car. Dr. Rahamut provided police reports documenting a sideswipe and tire theft. Dr. Rahamut also provided photos of the tire theft from his vehicle.

Commissioner Jefferson asked if Dr. Rahamut was aware of the lack of driveway parking, narrow apron, and street lighting when he purchased the home in 1997. Dr. Rahamut acknowledged.

Commissioner Stanley read into record that the following neighbors have no objection to the proposed garage addition: Deana Makled, 500 S. Silvery Lane; Tim & Betty Machowicz, 505 S. Silvery Lane; Sabrina Keely, 410 S. Silvery Lane; Denise M. Brewis, 2 Ridgemont Ct.; Margaret Mrowka, 530 S. Silvery Lane; and Pat Long, 431 S. Silvery Lane

Dr. Rahamut provided photos of neighboring large garages, his vehicle parked on the street at night, and copies of two City Beautiful Citations.

Chairperson Stanley expressed that the existence of other large garages does not establish a precedent. The details of those existing cases are not before the Board at this time and may have different circumstances.

Commissioner Siwik arrived at 6:12 p.m.

Commissioner Jefferson suggested putting a driveway behind the garage with a rear entry. Mr. Balkwill countered that their proposed plan would look better and would keep the cars safer.

Mrs. Mary Rahamut addressed photo #4 of a neighbors large garage and stated that this particular homeowner expressed no difficulty in expanding their home and reiterated the damages done to their cars. Chairperson Stanley and Commissioner Jefferson still found no relationship to the current appeal.

External correspondence: Letter from "a concerned homeowner" objecting to the 3-car garage addition. The letter states that expansive lots are a trademark of the subdivision and that the requested addition would cause congestion and loss of neighborhood appeal, particularly at corner lot location.

Letter from Kathryn Trudeau, 350 S. Silvery Lane objecting to the 3-car garage addition. The letter states that a 5-car garage would give the neighborhood the feel of an auto service retail business. She would consider a total 3-car garage much more fitting to the size of the house and the character of the neighborhood.

RESOLUTION. Motion by Commissioner Gusfa, supported by Commissioner Alfonsi, for the reasons and subject to the facts, representations and stipulations stated on the record during the public hearing, to LAY THIS APPEAL ON THE TABLE Pending: 1) Petitioner to reconsider size of requested garage addition and/or other off-street parking options and submit new designs.

Commissioner Jefferson objected to tabling this appeal because of the City's build to fit policy and states that total garage is limited to 980 square feet. Roll call vote requested.

Roll call: Yes: Commissioners Siwik, Gusfa, Alfonsi. No: Commissioners Stanley, Jefferson. Motion carried.

Appeal #07-120

From Elias Lebbos, 1810 N. Telegraph Rd., Dearborn, MI requesting to occupy an existing commercial building for retail use. The property size being 25' x 100', in a Local Business (BA) zoning district at:

1810 N. Telegraph Rd.

Elias Lebbos of 902 Brahms Ct, Troy, MI was introduced.

Mr. DeBerardino read the Building & Safety staff report for 1810 N. Telegraph, dated March 20, 2007, into the record. The staff report recommends denying this appeal.

A copy of the parking leasing agreement (5 year lease with a 3 renewals with Co-op Optical) has been provided to and reviewed by Mr. Tanner. Mr. Tanner recommends that any approval should be conditioned upon a continuous lease agreement for the 6 additional parking spaces.

Commissioner Jefferson read the Parking Variance Advisory Committee Report, dated March 15, 2007, into the record. The PVAC report recommends approval based on the condition that the parking lease remains in continuous effect.

No external correspondence.

RESOLUTION. Motion by Commissioner Gusfa, supported by Commissioner Alfonsi, for the reasons and subject to the facts, representations and stipulations stated on the record during the public hearing, to APPROVE WITH CONDITIONS, the variances detailed below:

4.01 Off-Street Parking.

Zoning requirement: 8 spaces.

Plan to provide: 2 spaces + lease for 6 additional spaces is APPROVED WITH CONDITIONS (DZO 32.05, F.1. j).

Approval of this appeal is CONDITIONED as follows: 1) the lease for 6 parking spaces with Co-Op Optical must remain in continuous effect; and 2) petitioner must participate in any future parking Special Assessment Districts (SAD).

This motion is conditioned on the petitioner's continuous compliance with all applicable ordinances, codes, laws and statutes; and, the petitioner must perform all work under plans, permits and final inspections approved by the City of Dearborn.

Motion carried unanimously.

Appeal #07-121

From Greg Buhr, Greg Buhr Remodeling Co., 1544 Rose Lane, Trenton, MI requesting to construct a detached garage. The property size being 40' x 116', in a One-Family Residential (RA) zoning district at:

3307 Houston

Mr. Greg Buhr, Buhr Remodeling Co., of 1544 Rose Lane, Trenton, MI was introduced.

Mr. DeBerardino read the Building & Safety staff report for 3307 Houston, dated March 20, 2007, into the record. A temporary certificate of occupancy issued to a previous owner expired in August 2001. The staff report recommends denying this appeal.

Mr. Buhr would like to replace shed with a detached garage. Mr. Norwood reported satisfactory history of previous home rehabilitation work between Mr. Buhr and the City of Dearborn.

It was noted that the proposed garage is already located as far to the rear of the lot as possible. The ordinance requires 2 off-street parking spaces for this property. And, most other homes in this neighborhood have detached garages.

Mr. Tanner asked when the addition was added to the rear of the home and whether it was constructed with a proper permit. Building & Safety indicated that their research was not able to locate the file containing information about the addition.

Chairperson Stanley noted that the current appeal addresses the setback to the dwelling only and does not address the rear addition. The rear addition existed prior to the petitioner's acquisition of the property. And, the petitioner will need to acquire a new certificate of occupancy which will require 2 off-street parking spaces.

Mr. Norwood suggested that the size of the lot, the existence of an addition on the rear of the structure, and the orderly development of the surrounding area acknowledged by the Board be recorded and put into any motion.

No external correspondence.

RESOLUTION. Motion by Commissioner Gusfa, supported by Commissioner Alfonsi, due to lot size limitations and allowing for the orderly development of off-street parking as enjoyed by other properties in the neighborhood, and for the reasons and subject to the facts, representations and stipulations stated on the record during the public hearing, to APPROVE the variance detailed below:

2.03 (C.2) Setback from Dwelling.

Zoning requirement: 20 feet.

Plan to provide: 12 feet 4 inches is APPROVED (DZO 32.05, F.1. j).

This motion is conditioned on the petitioner's continuous compliance with all applicable ordinances, codes, laws and statutes; and, the petitioner must perform all work under plans, permits and final inspections approved by the City of Dearborn.

Motion carried unanimously.

Appeal #07-123

From Ahmed Daghaz, 4920 Argyle, Dearborn, MI requesting to enlarge an existing single-family dwelling with a detached garage. The property size being 40' x 112', in a One-Family Residential (RA) zoning district at:

4920 Argyle

Mr. Tim Cernuto, 21545 Carlisle, Dearborn, MI, standing in for his brother, Jim Cernuto was introduced and was informed of the correct use of the Letter of Authorization process by Chairperson Stanley.

Mr. DeBerardino read the Building & Safety staff report for 4920 Argyle, dated March 22, 2007, into the record. The staff report recommends denying this appeal.

Mr. DeBerardino explained that a 1-story structure requires a 3-foot side yard setback, while a 2-story dwelling requires a 4 foot setback. In 2004, no zoning variance was needed because it was a one-story rear addition. Mr. DeBerardino confirmed that the proposed second floor addition will not exceed the square footage requirements for this property.

Chairperson Jefferson read the compatibility review report of Mr. Kirk (architect/consultant for the City of Dearborn), dated March 28, 2007, into the record. Mr. Kirk's report recommends that the proposed second story addition over the existing one story flat roof rear addition would be an acceptable and compatible design.

No external correspondence.

RESOLUTION. Motion by Commissioner Gusfa, supported by Commissioner Siwik, for the reasons and subject to the facts, representations and stipulations stated on the record during the public hearing, to APPROVE the variances detailed below:

2.05 (A.7) Waive Compatibility Review.

Zoning requirement: Review by City Planner.

Plan to provide: Request for waiver is APPROVED (DZO 32.05, F.1. j).

3.05 (B.2) Alter a Non-Conforming Structure.

Zoning requirement: non-conforming structures may not be altered.

Plan to provide: Maintain existing deficiencies is APPROVED (DZO 32.05, F.1. j).

This motion is conditioned on the petitioner's continuous compliance with all applicable ordinances, codes, laws and statutes; and, the petitioner must perform all work under plans, permits and final inspections approved by the City of Dearborn.

Motion carried unanimously.

Recess called by Commissioner Jefferson and second by Commissioner Alfonsi.

Appeal #07-125

From Mike Kobeissi, Kobeissi & Associates, 24522 Michigan Ave., Dearborn, MI requesting to construct two separate buildings along with VP off-street parking lot for use as a restaurant for one building and retail with office in a second building. The property size being 212' x 100', in a Community Business (BB) zoning district at:

14927 Warren

Mr. Mike Kobeissi, Kobeissi Associates, 24522 Michigan Avenue, Dearborn, MI and Mr. Tarek Fahs, 1128 Linden St, Dearborn, MI were introduced.

Mr. DeBerardino read the Building & Safety staff report for 14927 Warren, dated March 22, 2007, into the record. The staff report recommends denying this appeal.

Commissioner Jefferson read the Parking Variance Advisory Committee Report, dated March 15, 2007, into the record. The PVAC report recommends denying this appeal.

Mr. Kobeissi states the hardship relates to the uneven elevation of the existing lot. One corner of the lot is approximately 8 feet above the street level, preventing accessibility to the site. The lot is only 100 feet deep. The access drive was located so as to have minimal impact on the adjacent residential property. There are 8 on-street parking spaces adjacent to the property that could be considered as compensating spaces. Mr. Kobeissi presented an alternate calculation of parking needs resulting in a requirement of 56 off-street spaces rather than the 71 noted in the appeal. Mr. Kobeissi further proposed that the building wall will serve as the obscuring wall.

Mr. Tanner commented that the topography is considered a unique characteristic and may be considered by the Board, but is not a mandatory consideration.

The petitioner is proposing a plan that is beyond the City's "built to fit" policy with 10 separate sections requiring variances. Chairman Stanley states that practical difficulty has not been proven with this appeal. In addition to the single story building, the petitioner proposes to build a 2-story building with 3 retail stores downstairs and 3 offices upstairs. The petitioner also proposes that a restaurant with carry out, retail, and office space occupy the single story building. The proposal is requesting 71 spaces.

Mr. Norwood commented that the petitioner's proposal is overbuilt with 10 deficiencies showing no loading zones, narrow driveways, and inadequate parking.

External correspondence: Kathleen Hartling, 7108 Mead, objects to the dumpster proximity to residential properties and the lack of adequate off-street parking. She is worried that restaurant use will generate a high demand for parking that will spill into the neighborhood.

RESOLUTION. Motion by Commissioner Gusfa, supported by Commissioner Jefferson, for the reasons and subject to the facts, representations and stipulations stated on the record during the public hearing, to DENY the variances detailed below:

2.14 (A.1) Dumpster Proximity to Residential.

Zoning requirement: 20' from rear lot line.

Plan to provide: 4' from rear lot line is DENIED (DZO 32.05, F.1. a).

4.01 Off-Street Parking.

Zoning requirement: 71 parking spaces.

Plan to provide: 46 parking spaces indicated; 28 spaces acceptable is DENIED (DZO 32.05, F.1. a).

4.01 (D.2.b) Access Drive/Aisle Width.

Zoning requirement: 31' aisle way.

Plan to provide: 20' aisle way is DENIED (DZO 32.05, F.1. a).

4.02 (B.1) Loading Space.

Plan to provide: No loading zone is DENIED (DZO 32.05, F.1. a).

5.02 (B) Landscaping Adjacent to Road.

Zoning requirement: 10 foot depth.

Plan to provide: 0' along Warren; 8.3' along Mead is DENIED (DZO 32.05, F.1. a).

6.01 (E) Obscuring Wall.

Zoning requirement: Along rear lot line abutting residential.

Plan to provide: No wall at lot line; Wall on VP lot extends 5' into residential setback is DENIED (DZO 32.05, F.1. a).

15.03 Outdoor Dining.

Zoning requirement: Services shall be conducted within an enclosed structure.

Plan to provide: Outdoor dining on north side (Warren) of restaurant is DENIED (DZO 32.05, F.1. a).

29.02 Side Yard Setback.

Zoning requirement: 7 foot setback.

Plan to provide: 1 foot set back on east and west is DENIED (DZO 32.05, F.1. a).

29.02 Rear Yard Setback.

Zoning requirement: 20 foot setback.

Plan to provide: 1' setback along with 9' open alley is DENIED (DZO 32.05, F.1. a).

29.02 Maximum Lot Coverage.

Zoning requirement: 40% (5,400 sq.ft.).

Plan to provide: 45% (6,077 sq.ft.) is DENIED (DZO 32.05, F.1. a).

Reasons for DENIAL: 1) Petitioner did not meet his burden of proof to demonstrate a practical difficulty which would necessitate the requested variances.

Motion carried unanimously.

Appeal #07-126

From Lowell and Beverly King, 23000 Murray, Dearborn, MI requesting to enlarge an existing breezeway between the single family dwelling with an attached garage. The property size being 35' x 125', in a One-Family Residential (RA) zoning district at:

23000 Murray

Beverly and Lowell King of 23000 Murray, Dearborn, MI and Mr. Thomas Manwell of 7626 Hartwell, Dearborn, MI were introduced.

Mr. DeBerardino read the Building & Safety staff report for 23000 Murray, dated March 22, 2007, into the record. The staff report recommends denying this appeal.

Chairperson Jefferson read the compatibility review report of J. Michael Kirk (architect/consultant for the City of Dearborn), dated March 28, 2007, into the record. The report states that the infill addition on the east side of the existing breezeway between the home and garage is compatible with the neighboring properties. The home across Ina directly to the east has a similar infill breezeway addition which this new project would be very similar (and compatible) to.

Chairperson Stanley expressed no real concern with the proposed plan and feels enlarging the existing breezeway is compatible with neighboring homes.

Mr. Norwood spoke with contractor regarding the uncommon 35 foot lot and states that in the Cherry Hill and Outer Drive area 40 foot lots are more typical.

RESOLUTION. Motion by Commissioner Gusfa, supported by Commissioner Alfonsi, for the reasons and subject to the facts, representations and stipulations stated on the record during the public hearing, to APPROVE the variances detailed below:

2.05 (A.7) Compatibility Review Required.
Zoning requirement: Review by City Planner.
Plan to provide: Request for waiver is APPROVED (DZO 32.05, F.1. h).

3.05 (B.2) Alter a Non-Conforming Structure.
Zoning requirement: Non-conforming structures shall not be altered.
Plan to provide: Enlarge existing breezeway is APPROVED (DZO 32.05, F.1. h).

29.02 Maximum Lot Coverage.
Zoning requirement: 35% (1,531 sq. ft.).
Plan to provide: 41% (1,792 sq. ft.) is APPROVED (DZO 32.05, F.1. j).

This motion is conditioned on the petitioner's continuous compliance with all applicable ordinances, codes, laws and statutes; and, the petitioner must perform all work under plans, permits and final inspections approved by the City of Dearborn.

Motion carried unanimously.

Appeal #07-127 (Use Variance)

From Winfred Weldon, D & H Diesel Service, Inc., 2929 Ferney, Dearborn, MI requesting to occupy an existing industrial building for use as semi-truck and trailer sales. The property size being 404' x 124', in a Intensive Industrial (IC) zoning district at:

2929 Ferney

Mr. Winfred Weldon, D & H Diesel Service, Inc., 2929 Ferney, Dearborn, MI was introduced. Mr. Weldon stated that he is also considering the sales of antique cars at this location.

Mr. DeBerardino read the Building & Safety staff report for 2929 Ferney, dated March 22, 2007, into the record. The staff report recommends denying this appeal.

Mr. Weldon and Steve Kwasnik were informed that more site plans and details were needed for further review. Chairperson Stanley and Commissioner Siwik recommended denial.

Mr. Norwood suggested the involvement of the City Planner to review the proposed, less-intensive use of this IC-zoned property.

RESOLUTION. Motion by Commissioner Gusfa, supported by Commissioner Siwik, for the reasons and subject to the facts, representations and stipulations stated on the record during the public hearing, to LAY THIS APPEAL ON THE TABLE pending:
1) Petitioner to provide greater detail regarding proposed use of site and building; and,
2) Petitioner to submit a revised, detailed site plan to be reviewed by City Planner before new hearing is scheduled.

Motion carried unanimously.

Appeal #07-128

Appeal administratively POSTPONED, awaiting compatibility review report.

Appeal #07-129

From Mr. John Saad, Hana Consulting, Inc., 31786 Clarita, Livonia, MI requesting to construct a one-story addition to an existing single story commercial building used for wholesale. The property size being 71' x 117', in a Local Business (BA) zoning district at:

6661 Chase

Mr. John Saad, Hana Consulting, Inc., 31786 Clarita, Livonia, MI was introduced.

Mr. DeBerardino read the Building & Safety staff report for 6661 Chase, dated March 22, 2007, into the record. The staff report recommends denying this appeal.

Chairperson Stanley expressed a concerned with going 30% over the lot coverage ordinance. Mr. Saad stated there is hardship because of the inadequate shelving space that is created by compliance with fire safety codes.

Mr. Saad referred to a set of revised plans that address and minimize some of the deficiencies. He acknowledged that the revised plans have not been shared with or reviewed by Building & Safety. The lack of prior review of the revisions and proper public notice of changes lead to a discuss and consideration of tabling the appeal.

Commissioner Siwik commented that, since the revisions will still double the size of the facility, causing 30% excess lot coverage, the appeal should be denied, not tabled.

Mr. Rick Marra commented that the petitioner is not increasing the number of employees which will not increase parking needs and reiterated the need for increased shelving and aisle space. Mr. Saad commented that the additional warehouse space will not be open to the public.

Mr. DeBerardino confirmed that the existing warehouse has a use variance. Mr. Aoun expressed that the current building has been used as a warehouse for approximately 40 years.

External correspondence: Letter from Erin Back, 6544 Orchard objecting to the 1-story addition to an existing single story commercial building used for wholesale. The letter states that the close proximity of the warehouse is detrimental to the community. The frequent loading and unloading of merchandise blocks the entrance of the neighboring garages several times a day. There is improper handling of garbage and waste materials. Truck traffic has caused damage to alley ways.

Letter from "Orchard Street Residents" states that trucks park on Arthur with their engines running. Trucks ignore "No Truck" signs. Lots of trash blows around area and trash bins are never closed.

Letter from "A. Resident" shares concerns about the dumpster location, which is near residential property with no wall on rear lot line. Trucks block alley way. Trucks come down Orchard and alley. Trash falls from trucks and alley looks like a dump. Letter states there is a rat problem.

Letter from Hifa Al-sheikh, 6540 Orchard states complains about the unloading from semi-trucks and the noise and obstruction of traffic. There has been damage to property and garbage along the alley ways.

Letter from Leonard Calcaterra, 6600 Orchard opposes this appeal.

Letter from Helen Michaelson, 6552 Orchard states there are too many trucks and too much noise.

Letter from Ali and Velma Fakih, 6610 Orchard complains about the delivery trucks blocking the alley, the trash, and garage damage.

Letter from Christopher Jablonski & Jennifer Graham, 6604 Orchard complains about the noise of the truck drivers and semi-trucks, overnight parking, the garbage, and rats.

A MOTION by Commissioner Gusfa to lay this appeal on the table, failed for lack of support.

RESOLUTION. Motion by Commissioner Jefferson, supported by Commissioner Alfonsi, for the reasons and subject to the facts, representations and stipulations stated on the record during the public hearing, to DENY the variances detailed below:

2.14 (A.1) Dumpster Location.

Zoning requirement: As far as practicable from adjoining residential.

Plan to provide: Not as far as practicable is DENIED (DZO 32.05, F.1. a).

3.05 Alter a Non-Conforming Structure.

Zoning requirement: Non-conforming structures shall not be altered.

Plan to provide: One-story addition is DENIED (DZO 32.05, F.1. a).

4.01 (D.2.b) Access Drive/Aisle Width.

Zoning requirement: 31 feet.

Plan to provide: 20' south egress drive; 30' north ingress/egress drive is DENIED (DZO 32.05, F.1. a).

4.02 (B.1) Loading Space.

Zoning requirement: 2 spaces.

Plan to provide: 1 space is DENIED (DZO 32.05, F.1. a).

5.02 (B.2-3) Number of Plantings.

Zoning requirement: 14 trees; 83 shrubs.

Plan to provide: 4 trees; 38 shrubs is DENIED (DZO 32.05, F.1. a).

6.01 (E) Obscuring Wall.

Zoning requirement: 6 foot high wall abutting residential.

Plan to provide: 8 foot high wall along the rear lot line is DENIED (DZO 32.05, F.1. a).

29.02 Rear Yard Setback.

Zoning requirement: 20 feet.

Plan to provide: 0 foot rear setback along with 10 foot open alley is DENIED (DZO 32.05, F.1. a).

29.02 Front Setback.

Zoning requirement: 50 foot.

Plan to provide: 21 foot front setback (to middle of Chase ROW) is DENIED (DZO 32.05, F.1. a).

29.02 Maximum Lot Coverage.

Zoning requirement: 30% (14,490 sq.ft.).

Plan to provide: 59% (28,426 sq.ft.) is DENIED (DZO 32.05, F.1. a).

Reasons for DENIAL: 1) Petitioner did not meet his burden of proof to demonstrate a practical difficulty which would necessitate the requested variances.

Motion carried unanimously.

Appeal #07-130

From Mona Hammoud, 22750 Law Avenue, Dearborn, MI requesting to occupy an existing commercial strip center building for a coffee house (restaurant) use, an office use, along with existing retail uses. The property size being irregular, in a Community Business (BB) zoning district at:

6275-6325 Schaefer

Mona Hammoud, 22750 Law Avenue, Dearborn, MI was introduced.

Mr. DeBerardino read the Building & Safety staff report for 6275-6325 Schaefer, dated March 20, 2007, into the record. The staff report recommends denying this appeal.

Commissioner Jefferson read the Parking Variance Advisory Committee Report dated March 15, 2007 into the record. The PVAC recommends denying this appeal.

Ms. Hammoud stated that a 20 space parking variance was granted under a previous appeal (#05-106), effectively reducing the parking requirement for the entire site to 123 parking spaces. 121 spaces will be provided; so the request is for an additional 2 space variance.

Mr. DeBerardino explained that the parking demands become less intense because of the intended mixed business uses.

Chairperson Stanley commented that there have been problems with other cases that have cited a less intense coffee house use and subsequently operated the business with more intense uses (ex. Grand Café). However, he does not have any concern of the same issues with this appeal.

Mr. Tanner states that there is more than adequate parking because of the complimentary uses (day and night parking do not compete).

No external correspondence.

RESOLUTION. Motion by Commissioner Gusfa, supported by Commissioner Alfonsi, for the reasons and subject to the facts, representations and stipulations stated on the record during the public hearing, to APPROVE the variances detailed below:

4.01 Off-Street Parking.

Zoning requirement: 143 parking spaces for the entire site; 52 spaces for the strip center. Plan to provide: 121 parking spaces for the entire site; 50 spaces for the strip center is APPROVED (DZO 32.05, F.1. j).

This motion is conditioned on the petitioner's continuous compliance with all applicable ordinances, codes, laws and statutes; and, the petitioner must perform all work under plans, permits and final inspections approved by the City of Dearborn.

Motion carried unanimously.

Appeal #07-131

From Ghaleb Assaf, GTS Construction, 6372 Abington, Detroit, MI requesting to occupy a one-story commercial building for use as restaurant w/carry out. The property size being 111' x 112', in a Community Business (BB) zoning district at:

5959 Schaefer

Ghaleb Assaf, GTS Construction, 372 Abington, Detroit, MI and Ali Badawi, 5959 Schaefer, Dearborn, MI were introduced.

Mr. DeBerardino read the Building & Safety staff report for 5959 Schaefer, dated March 20, 2007, into the record. The staff report recommends denying this appeal .

Mr. DeBerardino states that the property was previously used a gas station and service garage.

The Parking Variance Advisory Committee Report dated March 15, 2007 recommends denying this appeal.

Chairperson Stanley expressed concerns with property becoming a restaurant without EPA testing/evaluation reports and suggests demolishing the current building.

Mr. DeBerardino researched and found that the tanks were removed during the 1950's.

Chairperson Stanley suggested tabling this appeal because the building is non-conforming and the petitioner has not demonstrated a practical difficulty. Mr. Tanner stated that the petitioner is intensifying the use and suggests reconfiguring the use for this space.

Chairperson Stanley read aloud the ordinance pertaining to dimensional practical difficulty.

Commissioners Gusfa and Jefferson expressed concern with the lack of parking spaces. Commissioner Siwik suggested changing the business prospect that will accommodate the proposed parking.

No external correspondence.

RESOLUTION. Motion by Commissioner Gusfa, supported by Commissioner Alfonsi, for the reasons and subject to the facts, representations and stipulations stated on the record during the public hearing, to LAY THIS APPEAL ON THE TABLE pending: 1) Petitioner to explore other appropriate uses for the property.

Roll call: Yes: Commissioners Stanley, Gusfa, Alfonsi. No: Commissioners Siwik, Jefferson. Motion Carried.

Meeting Adjourned: 9:35 p.m.